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SHAWN W O'DOWD  
KENYON & KENYON  
333 W SAN CARLOS STREET  
SAN JOSE, CA 95110

EXAMINER

BERGIN, JAMES S

ART UNIT

PAPER NUMBER

3624

DATE MAILED: 02/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/443,038

Applicant(s)

MCCROSSIN ET AL.

Examiner

James S. Bergin

Art Unit

3624

-- Th MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) 4-6, 8, 11-13, 20-22 and 25-43 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 7, 9, 10, 14-19, 23 and 24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Claims 2, 3, 7, 9, 10, 14-19, 23 and 24 remain under active consideration in this case at this time. Method claim 1 will be considered generic to claims 1-16. All other claims in this case remain withdrawn from prosecution at this time as being drawn to a non-elected invention.

2. Applicant and the assignee of this application are required under 37 CFR 1.105 to provide the following information that the examiner has determined is reasonably necessary to the examination of this application.

Pertinent prior art to the claims and disclosure in this application known to the applicant or the assignee that discloses a web site or sites (or the information stored therein) being identified, linked or associated with a geographical region or locale.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-3, 7, 9, 10, 14-19, 23, 24, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 1, 16 and 17, the limitation "each of said first web-sites being identified by a physical location" is indefinite. A web site does not exist in the physical sense and so it is confusing to suggest that a web site can be identified by a physical location. Does this claim language intend to limit the claim to web sites (and the information stored therein) that exist at a physical location or to web sites (and the information

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stored therein) that are in some way identifiably associated with a geographical region or locale?

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 7, 9 and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bonnaure et al (PCT Patent No. WO 98/04088) and Ye, "A Proposal For A Geographic-Based Address Structure for IPv6", Masters Thesis, DalTech, Dalhousie University, Halifax, Nova Scotia, 1998.

As per Claim 1, Bonnaure et al discloses a method of providing information to a user (page 19, lines 19-22) comprising:

- Collecting information at a first computer system (page 12, lines 13-29).
- Organizing the information into a plurality of first web-sites (page 7, lines 18-33).
- Bonnaure et al teaches that each of the first web-sites are accessible by a network address associated with the client's geographical location (page 18, lines 24-30), but does not explicitly state that the network address is a unique Universal Resource Locator (URL) having a physical location associated therewith as claimed by the applicant. Ye teaches a geographic-based URL address structure (Chapter 2, pages 11-22). It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the teachings of Bonnaure et al with the geographic-based URL

taught by Ye to arrive at the invention as claimed by the applicant. The advantages are to enable the creation of location dependent services (Ye, page 8, section 1.4, lines 5-6).

- Providing one of the first web-sites to a user as a user web-site (page 6, lines 2432); and
- Selecting links to a plurality of first web-sites for presentation on the user web-site based on a relationship between the physical locations associated with the first web-sites and the physical location associated with the user web-site (page 20, lines 1723).

As per Claim 2, Bonnaure et al explicitly disclose that the users access the user web-site (Figure 11, block 1112).

As per Claim 3, Bonnaure et al explicitly discloses that his system is able to ascertain the geographic locality of the user's web-site (page 19, lines 9-10), but does not explicitly state that the user web-site is the physical location of a computer system of the user as claimed by the applicant. Ye teaches that his geographic-based address structure can be use to pin point the location of the user's computer down to one centimeter resolution (page 70, section 5.6, second paragraph, lines 1-2). It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the teachings of Bonnaure et al with the ability to locate the physical location of the user's computer as taught by Ye for the advantage of enabling the creation of location dependent services around the actual user location.

Bonnaure et al explicitly teaches that the physical location associated with the user web-site by the user is specified by the user (page 18, paragraph 3, lines 2-3).

Bonnaure et al expressly states that the physical location associated with the user web-site is based on a current telephone number at which the user is located (page 18, paragraph 3, lines 6-8).

Bonnaure et al teaches a method where the telephone number used to connect to the network system (page 18, paragraph 3, lines-9-15), determines the physical location of a user. Bonnaure et al also teaches that the user specifies the physical location at a first time (page 8, second paragraph, lines 1-3). In order for a physical location based addressing scheme to be effective, the addressing scheme would inherently have a way to update the physical location of the user as the user's location changes. Bonnaure et al does not expressly state that the user's location is modified by the user a second time as claimed by the applicant. Ye, however, teaches the use of a Global Positioning System (GPS) to update the physical location of the network user (Abstract, paragraph 3). GPS systems inherently provide continuous (including the second time) modification of the physical location of a user. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the teachings of Bonnaure et al with the ability to modify the location of the network user a second time as taught by Ye for the advantage of supporting the mobility of network users.

As per Claim 7, Bonnaure et al explicitly discloses that the user's computer system is coupled to the first computer system via the Internet (Figure 7).

Bonnaure et al expressly discloses that the user's computer system is coupled to the Internet via a telephone connection and the physical location is based on a location of the telephone connection (page 18, last paragraph).

As per Claim 9, Bonnaure et al teaches defining a local area relative to the physical location associated with the user's web-site such that the physical locations associated with the selected links to the plurality of first web-sites is in the local area (page 19, second paragraph).

Claim 16 contains limitations already covered in the rejections of Claims 1 and 2, so the same rejections apply to the rejection of this Claim.

Claim 17 is a system claim containing limitations already covered in the rejection of Claim 1 above, so the same rejection applies to the rejection of this Claim.

Claim 18 is a system claim containing limitations already covered in the rejection of Claim 9 above, so the same rejection applies to the rejection of this Claim.

6. Claims 10,14, 15, 19, 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bonnaure et al and Ye as applied to claims 1 and 9 above, and further in view of Tornetta (US Patent No. 5,032,989).

As per Claims 10 and 19, it has been established in the rejection of previous claims that Bonnaure et al and Ye teach a method for providing information and services to users of a network where the web-site used in the network are associated with a physical location and the information and services are available to users with in a local area of a user's web-site. Bonnaure et al and Ye do not explicitly state that the local area is a circular area having a predetermined radius from the physical location associated with the user's web-site. Tornetta discloses a real estate search and location network where the user specified local area is a circular area having a predetermined radius from the physical location associated with the user's web-site (column 9, lines

57-65). It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the teachings of Bonnaure et al and Ye with the ability to select a circular area having a predetermined radius from a physical location as taught by Tornetta for the advantage of permitting the user to specify the precise location and local area of interest (Tornetta, column 9, lines 24-27).

As per Claims 14 and 23, it has already been established that the combined teachings of Bonnaure et al, Ye and Tornetta allow the user to graphically establish a circular local area around a specific geographical location. Tornetta goes on to teach that the local area can include a threshold amount of entries (column 9, line 66 through column 10, line 21). It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the teachings of Bonnaure et al and Ye with the ability to establish a threshold amount as taught by Tornetta for the advantage of limiting the local area to those entities that meet the desired parameters.

As per Claims 15 and 24, Bonnaure et al explicitly teaches that a geographical region can be defined to a specific defined sub-region based upon the phone number connection locations as claimed by the applicant (page 18, paragraph 3).

### ***Response to Arguments***

7. Applicant's arguments filed 9/06/2002 have been fully considered but they are not persuasive. The applicant's claims and arguments have not overcome the 35 USC 103 combination rejections of Bonnaure et al (PCT Patent No. WO 98/04088) and Ye or Bonnaure et al (PCT Patent No. WO 98/04088) and Ye and further in view of Tornetta as outlined above.




**Conclusion**

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James S. Bergin whose telephone number is 703 308-8549. The examiner can normally be reached on Monday-Thursday 8.30-6.00 and on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 703 308-1065. The fax phone numbers for the organization where this application or proceeding is assigned are 703 305-7687 for regular communications and 703 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308-1113.

  
JSB  
February 9, 2003

  
VINCENT MILLIN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600